

## Department of the Army, DoD

## § 634.16

employee from appropriate administrative or disciplinary actions under civilian personnel regulations.

(h) Marine Corps civilian employees charged with intoxicated driving, on or off the installation, will be referred to the Employee Assistance Program as prescribed by MCO P5300.12. Marine dependents charged with intoxicated driving, on or off the installation, will be provided assistance as addressed in MCO P5300.12. Such referral and assistance does not exempt the individual from appropriate administrative or disciplinary action under current civilian personnel regulations or State laws.

(i) For Army, DLA, and Marine Corps, installation driving privileges of any person who refuses to submit to or fails to complete chemical testing for blood-alcohol content when apprehended for intoxicated driving, or convicted of intoxicated driving, will not be reinstated unless the person successfully completes either an alcohol education and treatment program sponsored by the installation, State, county, or municipality, or a private program evaluated as acceptable by the installation commander.

(j) For Navy, on-base driving privileges will not be reinstated for Navy personnel convicted of driving under the influence, on- or off-base, unless the person completed the full 36-hour Navy Alcohol and Drug Safety Action Program (NADSAP). The condensed NADSAP supervisor course will not be used for this purpose.

### § 634.15 Restoration of driving privileges on acquittal.

When an official report pertaining to drunk driving or driving while intoxicated indicates a finding of not guilty, that the charges have been dismissed or reduced to an offense not amounting to intoxicated driving, or that an equivalent determination has been made in a nonjudicial punishment proceeding or military or civilian administrative action, the suspension of driving privileges will be vacated except in cases in which:

(a) The preliminary suspension was based on refusal to take a BAC test.

(b) The preliminary suspension resulted from a BAC test (unless disposition of the charges was based on inva-

lidity of the BAC test). When a valid BAC test is involved, the suspension will continue pending completion of a hearing. In such instances, the individual will be notified in writing of the continuation of the preliminary suspension and of the opportunity to request a hearing within 10 working days. At the hearing the arrest report, the commander's report of official disposition, information presented by the individual, and such other information as the hearing officer may deem appropriate will be considered. If the hearing officer determines by a preponderance of evidence that the individual was engaged in intoxicated driving, the revocation will be for 1 year from the date of the original preliminary suspension.

(c) The person was driving or in physical control of a motor vehicle while under a preliminary suspension or revocation.

(d) An administrative determination has been made by the State or host nation licensing authority to suspend or revoke driving privileges based on local law or pertinent regulations.

(e) The individual has failed to complete a formally directed substance abuse or driver's training program.

### § 634.16 Restricted driving privileges or probation.

(a) For the Navy, Air Force, Marine Corps, and DLA, the installation commander may modify a suspension or revocation of driving privileges in certain cases per paragraph (d) of this section.

(b) Army requests for restricted driving privileges subsequent to suspension or revocation of installation driving privileges will be referred to the installation commander or designee for determination under criteria of (d) below, except for intoxicated driving cases, which must be referred to the General Court Martial Convening Authority. Withdrawal of restricted driving privileges is within the installation commander's discretion.

(c) Probation or restricted driving privileges will not be granted to any person whose driver's license is under suspension or revocation by a State, Federal, or host nation licensing authority.